



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2302958
Applicant Name: Marianne Boring with The Alaris Group, LLC
Address of Proposal: 25 West Roy Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of a minor communication utility (Cingular Wireless) consisting of 3 panel antennas on the roof of an existing apartment building. Project includes equipment cabinet to be located in storage room in the basement.

The following approval is required:

SEPA - Environmental Determination (Chapter 25.05, Seattle Municipal Code).

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The proposal site is a corner lot situated at the intersection of 1st Avenue West and West Roy Street in the Lower Queen Anne Neighborhood. The property contains a total area of approximately 11,520 square feet. The parcel is zoned Neighborhood Commercial 3 with a forty

foot height limit (NC3-40'). Development on the site consists of a four story apartment with a partially below grade basement.

Surrounding properties are also zoned as NC3-40'. Existing development in the vicinity of the proposal includes commercial office and retail uses to the north and to the east; apartments reside to the west and the south. On The Boards Theater is directly northwest from the subject site.

Proposal Description

The proposed project consists of the installation of a minor communication facility for Cingular Wireless. The facility will consist of three (3) sector antenna arrays ("A", "B" and "C") with one (1) 4.25' antenna per sector projecting 15' above the roof of an existing apartment building. Sector "B" antennas will be mounted to the west side of the existing stair penthouse on the roof and painted to match the building. Each sector antenna array ("A", "B" and "C") will be enclosed within fiberglass chimney shrouds mounted onto to the roof decking. The fiberglass shroud for sector "A" antennas will be attached to the east wall of the elevator penthouse that's located towards the middle area of the structure. Sector "B" and sector "C" antenna shrouds will be attached to the east and west walls of the stairwell penthouse which is located near the southwest area of the apartment roof. All associated cabling will be located in cable trays fastened to the elevator penthouse's south wall façade, affixed atop the roof and mounted against the building's southwest exterior inset to connect with a metal shroud. The cabling within the metal shroud will be routed to the associated radio equipment cabinets located in the apartment's basement storage room. An HVAC condensing unit is proposed to be mounted on concrete pavers at grade located near the metal shroud and behind an existing iron fence. The antennas, fiberglass shrouds, cabling trays and metal shroud will be painted and constructed to match the appearance of the masonry brick building.

Public Comments

The public comment period for this project ended August 6, 2003. DPD received one written comment regarding this proposal. An owner of an apartment near the subject site expressed concerns regarding possible view blockage and improper notification of this proposal to the residents in his apartment complex.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated June 11, 2003. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, a Landmark's Preservation Board Denial of Nomination Letter, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's

code/policies and environmental review. The Overview Policy states, in part, “*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation*” subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room may include loud equipment and activities. This construction activity may have an adverse impact on nearby tenants and residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

Long - Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers).

The Land Use Code (SMC 23.57.012C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any interference was to result from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Historic Preservation

Preservation of historic buildings in the City of Seattle is important to the retention of living sense and appreciation of the past. Due to the age of this structure, the applicant requested a decision be rendered from The City of Seattle Landmarks Board as to whether or not the Del Roy apartment building should be designated as a historical landmark. The applicant provided a "Denial of Nomination" document dated February 12, 2004 that states the coordinator of the Landmark Preservation Board rendered an opinion to deny landmark designation to the Del Roy apartment building. Therefore, no mitigation in this regard pursuant to SEPA is warranted.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file) Date: March 18, 2004
Tamara Garrett, Land Use Planner
Department of Planning and Development

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